IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 928/2006
SALMAN BANOO Vs. STATE OF RAJASTHAN & ORS.

DATE: 09.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.C. Purohit for the complainant-petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.
Mr. Z.A. Naqvi for the accused-respondents.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the complainant-petitioner against the order dated 29.06.2006 passed by the Additional Sessions Jude No.2, Jaipur City, Jaipur in Criminal Revision Petition No. 36/2006, whereby the Revisional Court has set-aside the order dated 25.02.2006 passed by the Additional Chief Judicial Magistrate No.12, Jaipur City, Jaipur in Criminal Case No. 1372/2003 framing charges under Sections 406 and 498-A IPC against the accused-respondents.

Having heard learned counsel for the petitioner, learned Public Prosecutor for the State as well as learned counsel for the accused-respondents and after going through the order passed by the trial Court as well as the Revisional Court and upon careful perusal of the record of the case, I find error

apparent on the face of the record in the impugned order dated 29.06.2006 passed by the Revisional Court. The Revisional Court has not properly considered the evidence of the witnesses and also not appreciated the ratio decided by the Hon'ble Supreme Court that the order of framing charge can be rarely interfered with. Since the trial Court has observed that prima-facie case is made out against the accused-respondents, there was no occasion to appreciate the evidence recorded during investigation conducted by the police in the compliant case filed by the petitioner and the evidence recorded under Section 200 and 202 Cr.P.C. has also not been properly considered.

In view of these facts, without expressing any opinion on the merits of the case, I deem it proper to quash and set-aside the impugned order of the Revisional Court dated 29.06.2006 and remand the matter back to the Revisional Court for fresh adjudication and shall pass speaking order afresh after appreciating the evidence recorded in accordance with the provisions of law.

With the aforesaid observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/